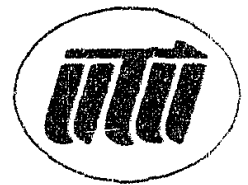


CHARLES L. LITTLE  
International President

BYRON A. BOYD, JR.  
Assistant President

ROGER D. GRIFFETH  
General Secretary and Treasurer



14600 DETROIT AVENUE  
CLEVELAND, OHIO 44107-4250  
PHONE 216-228-9400  
FAX 216-228-0937

**LEGAL DEPARTMENT**

CLINTON J. MILLER, III  
General Counsel

KEVIN C. BRODAR  
Associate General Counsel

ROBERT L. MCCARTY  
Associate General Counsel

DANIEL R. ELLIOTT, III  
Assistant General Counsel

November 17, 1998

**FAX and UPS Next Day Air**

F. Andrew Turley, Supervisory Attorney  
Federal Election Commission  
Central Enforcement Docket  
ATTN: Alva Smith  
999 E Street, N.W.  
Washington, DC 20463  
(202) 694-1650  
FAX (202) 219-3923

Re: MUR. 4830

Dear Sir/Madam:

Please find enclosed in subject matter a fully executed Statement of Designation of Counsel form and the Response of Transportation Political Education League To Complaint (with attached Declaration of Olga Moore and exhibits).

Very truly yours,

A handwritten signature in dark ink, appearing to read "D. R. Elliott, III".

D. R. Elliott, III  
Assistant General Counsel

Enclosures

[illegible]

**BEFORE THE FEDERAL ELECTION COMMISSION**

**In the Matter of**

**Udall For Us All  
Committee, et al.**

**MUR 4830**

**RESPONSE OF TRANSPORTATION  
POLITICAL EDUCATION LEAGUE TO  
COMPLAINT**

The Complaint filed by the Republican Party of New Mexico herein claims as violations by Tom Udall and/or his Committee, "Udall For Us All," that he "unlawfully received 1,687 contributions (\$405,236.81) earmarked towards his primary election even though the primary election date passed 142 days prior." The Complaint also alleges that "Udall reports accepting a single contribution (in the form of a loan or loan guarantee) up to 80 times the federal limit."

Transportation Political Education League ("TPEL") respectfully submits its response to only the first count of the Complaint, captioned "Udall's Unlawful Post-Primary Receipts," as the second count, captioned "Udall's Unlawful Loan," directed towards an unrelated party, does not apply to TPEL. In response to the first count, TPEL states that it has not violated the federal election laws relied on in the Complaint regarding designation of contributions to "primary" and "general" elections.

**FACTS AND DISCUSSION**

On May 20, 1998, an internal request was made for TPEL to issue a check to "Udall for Us All," designated to the "primary" election, in the amount of \$1,000.00. (See Declaration of Olga Moore attached hereto at paragraph 3). On May 22, 1998, TPEL issued and mailed a check in the amount of \$1,000.00 payable to "Udall for Us All," which was designated "1998 Primary," thereby relinquishing TPEL's control over the contribution at that time. (*Id.*) This check was deposited by

"Udall for Us All" on June 1, 1998. (*Id.*) Accordingly, this contribution was clearly made by TPEL and received by the Udall Committee prior to the "primary" election on June 2, 1998.

Subsequently, on June 3, 1998, after the "primary" election but before the November 3, 1998 "general" election, an internal request was made for TPEL to issue a check to "Udall for Us All," designated to the "general" election, in the amount of \$2,500.00. (Declaration of Olga Moore at paragraph 4). On June 5, 1998, TPEL issued a check for \$2,500.00 to "Udall for Us All," which was designated to the "1998 General" election. (*Id.*) This check was then mailed to Mr. Tom Udall on this same date, thereby relinquishing TPEL's control over the contribution at that time. (*Id.*) Accordingly, this check was clearly issued and mailed after the "primary" but before the "general" election."

Finally, on August 12, 1998, another internal request was made for TPEL to issue a \$2,500.00 check to "Udall for Us All," designated to his "general" election. (Declaration of Olga Moore at paragraph 5). On August 17, 1998, TPEL issued and mailed a check for \$2,500.00 to "Udall for Us All," which also was designated to the "1998 General" election. (*Id.*) This check was deposited by "Udall for Us All" on September 8, 1998, prior to the "general" election date, thereby clearly establishing that TPEL had relinquished control over this contribution at that time. (*Id.*) Accordingly, this contribution was also made after the "primary" but before the "general" election.

### DISCUSSION

"[A] contribution shall be considered designated in writing for a particular election if - (i) The contribution is made by check ... which clearly indicates the particular election with respect to which the contribution is made; [or] (ii) The contribution is accompanied by a writing, signed by the contributor, which clearly indicates the particular election with respect to which the contribution is

made." 11 C.F.R. § 110.2(b)(4)(i), (ii). As the aforementioned facts establish, TPEL properly designated its contributions as required under these regulations in writing, the first for the primary and the following two for the "general" election, by indicating on the checks and in the accompanying letters the particular election with respect to which the contribution was made.

In its Complaint, the Republican Party of New Mexico appears to be claiming that since Udall received certain checks after the "primary," designated for the primary election, these checks must be returned to the donors since these checks were not redesignated for the "general" election or used for net debts. See 11 C.F.R. § 110.1(b)(3)(i); 110.2(b)(3)(i). With respect to whether the TPEL "primary" contribution was properly sent to Udall, "a contribution shall be considered to be made when the contributor relinquishes control over the contribution. A contributor shall be considered to relinquish control over the contribution when it is delivered to the candidate, to the political committee, or to an agent of the political committee." See 11 C.F.R. § 110.2(b)(6). With regard to the check designated "primary," TPEL clearly mailed this check before the primary. In addition, Udall deposited this check prior to the "primary." With respect to the two "general" election checks, TPEL properly mailed these two checks after the primary but before the "general" election. Accordingly, the Republican Party's complaint about checks designated for the "primary," but received after the election, obviously does not apply with respect to TPEL's three contributions. See 11 C.F.R. § 110.1(b)(3)(i); 110.2(b)(3)(i). As a result, any complaint against TPEL with respect to this issue should be dismissed.

Moreover, while not referring directly to TPEL, the Complaint also claims that as a result of certain alleged improper designations, various specified contributors exceeded the contributions limits of the Federal Election Campaign Act. TPEL will address this claim, though not specifically named,


out of caution since a request is made by the Republican Party to crossmatch all donors.

Multi-candidate PAC's are limited to \$5,000.00 per election. *See* 2 U.S.C. § 441a(a)(2). As mentioned above, TPEL gave \$1,000.00 for the "primary" and \$5,000.00 for the "general" election to "Udall for Us All." These elections are treated separately for the purposes of the Act's contribution limits. *See* 11 C.F.R. § 110.2(i)(1). Moreover, as mentioned, TPEL did not improperly designate its contributions. Accordingly, TPEL did not exceed the \$5,000.00 limitation for either election. *See* 2 U.S.C. § 441a(a)(2).

### CONCLUSION

In sum, the Complaint appears to be mainly directed at the alleged acts of "Udall for Us All" with regard to its designation of contributions. Based on the foregoing discussion, it is clear that TPEL properly designated its contributions and did not exceed the contribution limits. As a result, the Complaint should be dismissed with respect to TPEL and its contributions.

Respectfully yours,

 <sup>16y DRE</sup>  
\_\_\_\_\_  
Clinton J. Miller, III  
General Counsel  
Daniel R. Elliott, III  
Assistant General Counsel  
14600 Detroit Avenue  
Cleveland, Ohio 44107-4250  
(216) 228-9400  
FAX (216) 228-0937

**BEFORE THE FEDERAL ELECTION COMMISSION**

**In the Matter of**

**Udall For Us All  
Committee, *et al.***

**MUR 4830**

**DECLARATION OF OLGA MOORE**

I, Olga Moore, pursuant to 28 U.S.C. § 1746, declare that the following facts are true.

1. I am the Transportation Political Education League Administrator in the Cleveland, Ohio office of that organization, and I have served there since 1991.

2. I have personal knowledge regarding the matters referred to in the Complaint herein related to TPEL, and to the matters referred to in the Response of TPEL to Complaint with respect to the "Udall for Us All Committee."


3. On May 20, 1998, an internal request was made by letter for TPEL to issue a check to "Udall for Us All," designated to the "primary" election, in the amount of \$1,000.00. A true and accurate copy of this May 20, 1998 letter is attached hereto as Exhibit A. On May 22, 1998, TPEL issued and mailed a check in the amount of \$1,000.00 payable to "Udall for Us All," which was designated "1998 Primary," thereby relinquishing TPEL's control over the contribution at that time. True and accurate copies of the May 22, 1998 check and accompanying letter are attached hereto as Exhibit B. This check was deposited by "Udall for Us All" on June 1, 1998. (See Exhibit B). Accordingly, this contribution was clearly made by TPEL and received by the Udall Committee prior to the "primary" election on June 2, 1998.

4. Subsequently, on June 3, 1998, after the "primary" election but before the November 3, 1998 "general" election, an internal request was made by letter for TPEL to issue a check to "Udall

for Us All," designated to the "general" election, in the amount of \$2,500.00. A true and accurate copy of this June 3, 1998 letter is attached hereto as Exhibit C. On June 5, 1998, TPEL issued a check for \$2,500.00 to "Udall for Us All," which was designated to the "1998 General" election. True and accurate copies of the June 5, 1998 check and accompanying letter are attached hereto as Exhibit D. This check was then mailed to Mr. Tom Udall on this same date, thereby relinquishing TPEL's control over the contribution. (See Exhibit D). Accordingly, this check was clearly issued and mailed after the "primary" but before the "general election."

5. Finally, on August 12, 1998, another internal request was made by letter for TPEL to issue a \$2,500.00 check to "Udall for Us All," designated to his "general" election. A true and accurate copy of this August 12, 1998 letter is attached hereto as Exhibit E. On August 17, 1998, TPEL issued and mailed a check for \$2,500.00 to "Udall for Us All," which also was designated to the "1998 General" election. True and accurate copies of the August 17, 1998 check and accompanying letter are attached hereto as Exhibit F. This check was deposited by "Udall for Us All" on September 8, 1998, prior to the "general" election date, thereby clearly establishing that TPEL had relinquished control over this contribution at that time. (See Exhibit F). Accordingly, this contribution was also made after the "primary" but before the "general" election.

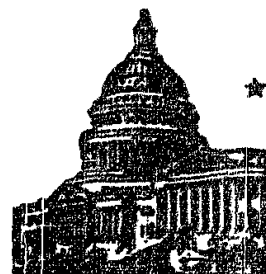
I declare under penalty of perjury that the foregoing is true and correct. Executed on November 17, 1998.

  
\_\_\_\_\_  
Olga Moore



# TRANSPORTATION POLITICAL EDUCATION LEAGUE

14600 DETROIT AVENUE • CLEVELAND, OHIO 44107-4250



CHARLES L. LITTLE, National Chairman  
J. M. BRUNKENHOEFER, National Vice Chairman  
ROGER D. GRIFFETH, National Secretary and Treasurer

A copy of our report filed with the Federal Election Commission is available for purchase from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

May 20, 1998

Mr. C. L. Little, National Chairman  
Transportation Political Education League  
United Transportation Union  
14600 Detroit Avenue  
Cleveland, OH 44107

RECEIVED

MAY 22 1998

T. P. E. L.  
LEGISLATIVE DEPT.

Dear Sir and Brother:

We have been requested to provide financial assistance from the UTU Transportation Political Education League for Tom Udall, Democratic Congressional candidate in the State of New Mexico.

Mr. Udall will be a good friend of labor if elected. I recommend that the TPEL donate \$1000 to Mr. Udall's campaign. If you concur in this request, please issue a check in that amount and forward directly to State Director J.M. Todd for handling. The check should be made payable to:



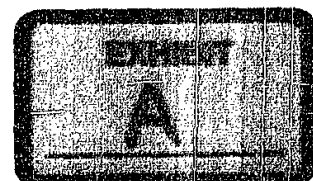
"Udall for Us All"  
P.O. Box 208  
Santa Fe, NM 87504

and to comply with the Federal Election Commission law and regulation, it should be credited to his 1998 Primary report.

Fraternaly yours,

J. M. BRUNKENHOEFER  
National Legislative Director

cc: J.M. Todd, SLD-NM



May 22, 1998

Mr. Tom Udall  
PO Box 208  
Santa Fe, NM 87504

Dear Mr. Udall:

I am most pleased to enclose our TPEL check no. *5156* in the amount of *\$1,000.00* payable to:

***"UDALL FOR US ALL"***

We are happy to assist you in providing financial assistance in your *1998 Primary Election* campaign and we wish you every success.

Sincerely yours,



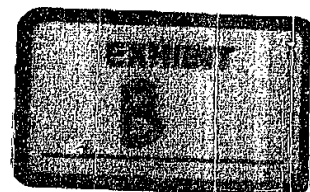
Charles L. Little  
National Chairman

Enclosure

cc: J. M. Brunkenhoefer, NVC-TPEL  
R. D. Griffeth, NS&T-TPEL  
J. M. Todd, SLD-NM

bc: S. Anderson  
File (2)

CLL:otm



6-3-98

ON JUNE  
BANK STMT

TRANSPORTATION POLITICAL  
EDUCATION LEAGUE

5156

14800 DETROIT AVENUE  
CLEVELAND, OH 44107  
FEC ID # C0001630

DATE MAY 22 1998

PAY TO THE ORDER OF "UDALL FOR US ALL"

\$ \*\*\*\*1,000.00

ONE THOUSAND DOLLARS AND NO CENTS  
SOCIETY NATIONAL BANK - CLEVELAND, OH  
A copy of TPFL's report filed with the appropriate serving office  
available for purchase from the Superintendent of Documents, U.S. Printing  
Office, Washington, D.C. 20402

FOR 1998 PRIMARY

⑈005156⑈ ⑈041001039⑈01012⑈25577⑈

⑈0000100000⑈

Roger D. Griffith

NATIONAL SECY.-TREAS.

Charles L. Little

NATIONAL CHAIRMAN

CHARLES L. LITTLE, NAT'L CHAIRMAN  
J. M. BRUNKENHOEFER, NAT'L V. CHM.  
ROGER D. GRIFFITH, NAT'L SECY.-TREAS.

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MAY 21 1998

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DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE \*

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FOR DEPOSIT ONLY  
TO MULTIPLE DEPOSITS as well as those  
ASSIST OF ENDORSEMENT (TIED)

NORTHWEST NATIONAL BANK

Security From Forgery

Marked for Deposit

Signature of Depositor

Signature of Bank

Signature of Endorser

# TRANSPORTATION POLITICAL EDUCATION LEAGUE

14600 DETROIT AVENUE

CLEVELAND, OHIO 44107-4250

HARLES L. LITTLE, National Chairman  
M. BRUNKENHOEFER, National Vice Chairman  
ROGER D. GRIFFETH, National Secretary and Treasurer

A copy of our report filed with the Federal Election Commission is available for purchase from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.



June 3, 1998

RECEIVED

JUN 05 1998

T. P. E. L.  
LEGISLATIVE DEPT.

Mr. C. L. Little, National Chairman  
Transportation Political Education League  
United Transportation Union  
14600 Detroit Avenue  
Cleveland, OH 44107

Dear Sir and Brother:

We have been requested to provide financial assistance from the UTU Transportation Political Education League for Tom Udall, Democratic Congressional candidate in the State of New Mexico. (3rd Dist)

Mr. Udall will be a good friend of labor if elected. I recommend that the TPEL donate \$2500 to Mr. Udall's campaign. If you concur in this request, please issue a check in that amount and forward directly to State Director J.M. Todd for handling. The check should be made payable to:

# 5251

"Udall for Us All"  
P.O. Box 208  
Santa Fe, NM 87504

and to comply with the Federal Election Commission law and regulation, it should be credited to his 1998 general report.

Fraternally yours,

  
M. BRUNKENHOEFER  
National Legislative Director

cc: J.M. Todd, SLD-NM



June 5, 1998

Mr. Tom Udall  
Democratic Candidate for Congress  
PO Box 208  
Santa Fe, NM 87504

Dear Mr. Udall:

I am most pleased to enclose our TPEL check no. 5251 in the amount of \$2,500.00 payable to:

**"UDALL FOR US ALL"**

We are happy to assist you in providing financial assistance in your *1998 General Election* campaign and we wish you every success.

Sincerely yours,



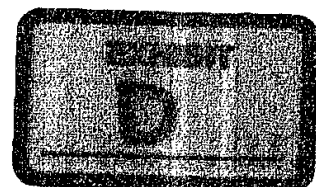
Charles L. Little  
National Chairman

Enclosure

cc: J. M. Brunkenhoefer, NVC-TPEL  
R. D. Griffith, NS&T-TPEL  
J. M. Todd, SLD-NM

bc: S. Anderson  
File (2)

CLL:otm



**ENDORSE HERE:**

# TRANSPORTATION POLITICAL EDUCATION LEAGUE

14600 DETROIT AVENUE

CLEVELAND, OHIO 44107-4250



CHARLES L. LITTLE, National Chairman

J. M. BRUNKENHOEFER, National Vice Chairman

ROGER D. GRIFFETH, National Secretary and Treasurer

A copy of our report filed with the Federal Election Commission is available for purchase from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

August 12, 1998

RECEIVED

Mr. C. L. Little, National Chairman  
Transportation Political Education League  
United Transportation Union  
14600 Detroit Avenue  
Cleveland, OH 44107

T. P. E. L.  
LEGISLATIVE DEPT.

Dear Sir and Brother:

We have been requested to provide financial assistance from the UTU Transportation Political Education League for Tom Udall, Democratic Congressional candidate in the State of New Mexico, 3<sup>rd</sup> Congressional District.

Mr. Udall will be a good friend of labor if elected. I recommend that the TPEL donate \$2500 to Mr. Udall's campaign. If you concur in this request, please issue a check in that amount and forward directly to this office for handling. The check should be made payable to:

# 5632

"Udall for Us All"  
P.O. Box 208  
Santa Fe, NM 87504

and to comply with the Federal Election Commission law and regulation, it should be credited to his 1998 general report.

Fraternally yours,

J. M. BRUNKENHOEFER  
National Legislative Director

cc: J.M. Todd, SLD-NM



August 17, 1998

Mr. Tom Udall  
Democratic Candidate for Congress  
PO Box 208  
Santa Fe, NM 87504

Dear Mr. Udall:

I am most pleased to enclose our TPEL check no. 5632 in the amount of \$2,500.00 payable to:

**"UDALL FOR US ALL"**

We are happy to assist you in providing financial assistance in your *1998 General Election* campaign for the 3rd Congressional District in New Mexico and we wish you every success.

Sincerely yours,



Charles L. Little  
National Chairman

Enclosure

cc: J. M. Brunkenhoefer, NVC-TPEL  
R. D. Griffith, NS&T-TPEL  
J. M. Todd, SLD-NM

bc: S. Anderson  
File (2)

CLL:otm





0203 7990